

ORDINANCE NO. 22-86
INTRODUCED BY: Mr. Kelly

AN ORDINANCE
**TO PROVIDE FOR AN ELECTION ON THE ADOPTION OF AN
AMENDMENT TO ARTICLE II SECTION 2.4 OF THE CHARTER OF
THE CITY OF BAY VILLAGE PERTAINING TO COUNCIL VACANCIES,
AND DECLARING AN EMERGENCY.**

WHEREAS, Section 13.6 of the Charter of the City of Bay Village requires that the Charter Review Commission meet every ten years to review the Charter; and

WHEREAS, the 2022 Charter Review Commission for the City of Bay Village has proposed amendments to the Charter to be presented to the electors pursuant to Section 13.6;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio:

SECTION 1. That the current Section 2.4 of the Charter of the City of Bay Village states

SECTION 2.4 VACANCIES.

Any vacancy in Council shall be filled by appointment by a majority vote of the remaining members of Council. If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment within thirty (30) days of expiration of Council's time period for appointment. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy occurs or until a successor is elected and qualified. A successor shall be elected at the next regular municipal election provided that:

- (1) Such election occurs more than two (2) years prior to the expiration of the unexpired term; and
- (2) The vacancy occurs more than seventy-five (75) days prior to such election.

SECTION 2. That the question of the adoption of the following proposed Charter Amendment be submitted to a vote of the qualified electors of the City of Bay Village at the general election to be held on the 8th day of November, 2022 as prescribed by general law, where a majority affirmative vote is required for passing and the proposed new language is provided herein in italics:

SECTION 2.4 VACANCIES.

Any vacancy in Council shall be filled by appointment by a majority vote of the remaining members of Council. *Council may first select one of its members to fill the vacancy. If no Council member is selected to fill the vacancy, Council shall fill by appointment from qualified applicants who are not current members of Council.* If the vacancy be not so filled within thirty (30) days, the Mayor shall fill it by appointment within thirty (30) days of expiration of Council's time period for appointment. Such appointee shall hold office for the unexpired term of the

member in whose office the vacancy occurs or until a successor is elected and qualified. A successor shall be elected at the next regular municipal election provided that:

- (1) Such election occurs more than two (2) years prior to the expiration of the unexpired term; and
- (2) The vacancy occurs more than seventy-five (75) days prior to such election.

SECTION 3. That the ballot for said election shall, at the top thereof, be entitled, “Proposed Amendment to City Charter Ballot.” Thereunder shall be printed, “A Majority Vote is Necessary for Adoption.” The question to be submitted on the ballot shall be substantially in the following words: “Shall the proposed amendment to Article II Section 2.4 of the Charter of the City of Bay Village REGARDING COUNCIL VACANCIES be adopted?”

SECTION 4. That notice of the time and place of holding such election shall be given as required by law.

SECTION 5. That the Clerk is hereby directed to either publish the full text of the proposed Charter amendment in a newspaper of general circulation within the municipal corporation once a week for two consecutive weeks at least fifteen days prior to the election, or mail a copy of the proposed Charter amendment to each elector whose name appears upon the registration books of the last regular election held in said City, at least 30 days before the date of such election.

SECTION 6. That the City pay the cost of printing and mailing copies of said proposed Charter Amendment or publishing said notice.

SECTION 7. That the Clerk is hereby directed to certify a copy of this ordinance to the Board of Elections of Cuyahoga County.

SECTION 8. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

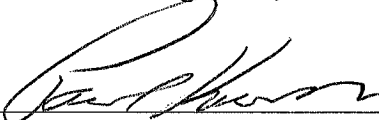
SECTION 9. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to place said proposed amendment on the ballot in a timely fashion so the electors may decide the question proposed, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED: August 22, 2022


PRESIDENT OF COUNCIL


CLERK OF COUNCIL

APPROVED: August 22, 2022



MAYOR

081822 jt